

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PLAINTIFFS' MOTION TO COMPEL AGAINST ASTRAZENECA

In a blatant attempt to withhold key information and in direct contravention of Case Management Order No. 10 (“CMO 10”), Defendant AstraZeneca has: (i) failed to comply with its obligation pursuant to Fed. R. Civ. P. 30(b)(6) within 45 days as required by CMO 10; and (ii) failed to produce documents in a timely manner, dumping completely irrelevant documents on plaintiffs and withholding tens of thousands of pages until just 30 days prior to the due date for plaintiffs’ motion for class certification. Moreover, in a show of bad faith, defendant’s counsel hung up on plaintiffs’ counsel after just a five-minute conversation during which plaintiffs’ counsel attempted to meet and confer on these issues pursuant to Local Rule 37.1.

Accordingly, for the reasons more fully set forth in the accompanying memorandum, plaintiffs respectfully request that this Court enter an Order requiring defendant AstraZeneca to:

(i) produce one or more witnesses in compliance with Rule 30(b)(6) within seven (7) days; (ii) produce an index of the 59,247 pages dumped on plaintiffs on August 2, 2004; (iii) produce any other indices of the documents produced by AstraZeneca in this litigation to date; (iv) produce any other documents that defendant previously agreed to produce (but has nonetheless been

withholding) together with an index of the documents, or certify that its production is complete, within 7 days; (v) pay plaintiffs' fees and costs in connection with bringing this motion; and (vi) grant such other and further relief as this Court deems appropriate.

Dated: August 4, 2004

By: /s/ Thomas M. Sobol

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CERTIFICATE OF SERVICE BY VERILAW

Docket No. MDL 1456

I, Edward Notargiacomo, hereby certify that I am one of plaintiffs' attorneys and that, on August 4, 2004, I caused copies of PLAINTIFFS' MOTION TO COMPEL AGAINST ASTRAZENECA to be served on all counsel of record by causing same to be posted electronically via Verilaw.

Dated: August 4, 2004

/s/ Edward Notargiacomo
Edward Notargiacomo